

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

NAUTILUS INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No: 3:13-cv-00284
)	
CIRCLE G RANCH, INC. and)	
CLEVELAND COUNTY FAIR, INC.)	
)	
Defendants.)	

**(PROPOSED) ORDER GRANTING PLAINTIFF’S MOTION FOR DECLARATORY
JUDGMENT**

This matter came before the Court upon the Motion for Default Granting Declaratory Judgment filed by Plaintiff, Nautilus Insurance Company. The Complaint for Declaratory Judgment in this case was filed on May 20, 2013 (Docket Entries 1 & 2). Both Defendants appear to have been served and have actual notice of Plaintiff’s Complaint for Declaratory Judgment (Docket Entries # 3 & 4). More than 70 days have passed since Defendants were served with Plaintiff’s Complaint for Declaratory Judgment. An Entry of Default was entered by the Clerk of the Court against Defendant Circle G Ranch, Inc. and Defendant Cleveland County Fair, Inc. on August 7, 2013. Notice of the Entry of Default was also mailed to each Defendant (Docket Entries 8 & 9). Neither Defendant has appeared before the Court and neither Defendant has submitted any pleading contesting the relief sought by Plaintiff. Counsel for Plaintiff has also submitted a Declaration of Consultation affirming that counsel has not received any pleading from either Defendant.

Pursuant to Rule 55 (b) (2), Fed. R. Civ. P., it appears to the Court from reviewing such matters that Plaintiff is entitled to the declaratory relief sought in its Complaint for Declaratory Judgment and Plaintiff's Motion for Default Judgment is Granted. It is hereby ORDERED, ADJUDGED and DECREED that pursuant to the terms, conditions and exclusions of the Nautilus Insurance Policy identified in, and attached to, the Complaint for Declaratory Judgment, Plaintiff, Nautilus Insurance Company, has no duty to provide a defense or otherwise indemnify Defendant Circle G Ranch, Inc. or Cleveland County Fair, Inc. based upon the allegations and damages which are sought against each Defendant in the case of Tracey Roberts, Michael Roberts, Hannah Robert, by and through their Guardian Ad Litem, Edgar F. Boggle, Mary Katherine Gordon, Michael Dover, Isaac Dover, by and through his Guardian Ad Litem Brent Patters vs. Cleveland County Fair Incorporated, Cause No. 12-CDS-4513, pending in the General Court of Justice, Superior Court Division, Gaston County, North Carolina; Plaintiff has no such duty to defend or indemnify said Defendants in the case of Aimee Westfall, individually and as Guardian Ad Litem for Dominic Westfall, a minor, vs. Cleveland County Fair, Inc. a North Carolina Corporation; and Circle G. Ranch, Wild Animal Park and Camel Safari, Inc., a Tennessee Corporation, Cause No. 12-CDS-2254, pending in the General Court of Justice, Superior Court Division, Cleveland County, North Carolina; Plaintiff has no such duty to defend or indemnify Defendants in the case of Grady and Elizabeth McNair, individually and on behalf of Jordan McNair, a minor, versus Cleveland County Fair, Inc. and Circle G Ranch Wild Animal Park and Safari, Inc., Cause No. 12-CDS-4742, pending in the General Court of Justice, Superior Court Division, Gaston County, North Carolina; and, Plaintiff has no such duty to defend or indemnify Defendants in the case of Julie and Billie Stockton, Jr., individually and as Co-Guardians Ad Litem for Erica Demarree Stockton, a minor versus Cleveland County Fair,

Inc. a North Carolina Corporation and Circle G. Ranch Wild Animal Park and Camel Safari, Inc., a Tennessee Corporation, Cause No. 13-CDS-507, pending in the General Court of Justice, Superior Court Division, Cleveland County, North Carolina.

Pursuant to Rule 54, Fed. R. Civ. P., this should be considered a final order as there are no other matters pending before the Court.

SO ORDERED, this the ____ day of _____, 2013.

/s/ Curtis L. Collier
DISTRICT COURT JUDGE

APPROVED FOR ENTRY:

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